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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,909	07/25/2003	Robert S. Fielmann	40164-10009	3456

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EXAMINER

LIEU, JULIE BICHNGOC

ART UNIT PAPER NUMBER

2612

DATE MAILED: 08/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/627,909	FIELMANN, ROBERT S.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Julie Lieu	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 7/17/06.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This Office action is in response to Applicant's response and affidavit filed July 17, 2006. No claims have been amended.

2. The Affidavit filed on July 17, 2006 under 37 CFR 1.131 is sufficient to overcome the Beggs reference. The finality is withdrawn for this reason.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 103***

4. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being anticipated over Nyerk (US Patent 4,987,402).

#### **Claim 1:**

Nyerk discloses that there is a wide variety of available devices for detecting the presence of a person near a door and for providing a warning of the presence at a door when the person is in close proximity to the door, comprising:

- a. a detector device 59 having a detection range for being positioned in at least close proximity to a door in a position to detect the person in close proximity to the door and within the detection range of the detector device; and

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- b. an audio alarm device, an alarm, for providing an audible warning to the person in proximity to the door, the audible alarm device associated with the detector device so that the audible alarm device provides the audible warning in response to the detection of the person by the detector device.

See fig. 4 and abstract.

The reference fails to clearly disclose the specific detection range of the detector device is less than 5ft and whether the door is substantially transparent. However, a detection range of less than 5ft is conventional in the art since the system is desired to detect a person within close proximity to the door so that false warning would not be triggered in the case that passer-bys only passes by the vehicle. Therefore, one skilled in the art would have readily recognized to use a detection range of 5ft as desired.

Claim 2:

Nyerk suggests the use of different detection devices including motion detectors.

Claim 3:

The detector in disclosed in Nyerk comprises a body heat sensitive detector, i.e. infrared detectors (INVISIBEAM).

Claim 4:

Nyerk discloses a voice module to record voice messages to warn a person approaching the door of the presence of the door. See abstract and col. 6, last paragraph.

Claim 5:

Nyerk discloses a controller for the motion detector for adjusting the detection range of the motion detector device. See col. 4, last paragraph and col. 10, second paragraph.

Claims 6 and 8-10:

Nyerk fails to discuss in details the configuration of the detector device and the audible alarm device in conventional system as to whether or not they are not contained within the same housing or pouch. Nonetheless, the integration of parts in the same housing would not be considered an inventive step because the function of the device would not thereby be modified. It would have been obvious to one skilled in the art to use an attractive shape for the device because aesthetic is always preferred.

Claim 11:

Nyerk disclose a self-contained power supply 11.

Claim 12:

Nyerk fails to disclose specifically that the volume of the audible alarm system can be adjusted. However, one skilled in the art would have readily recognized providing this feature in the system disclosed in Nyerk because of convenience.

5. Claims 13-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nyerk (US Patent 4,987,402) in view of Thacker (US Patent No. 6,359,564).

Claim 13:

Nyerk does not discuss the details of the alarm in the disclosed conventional system, thus, fails to suggest how the alarm is generated. However, the similar alarm device taught in Thacker ceases after a predetermined period of time in response to detected motion by the motion detector 106 and resets itself when motion is no longer detected by the motion detector device. Therefore, it would have been obvious one skilled in the art to generate the alarm the same way

as in Thacker because it would be desirable to cease alarming when there is no motion is detected near the door after a period of time to save energy.

Claim 14-18:

The rejection of these claims recites the discussion in the rejection of claims 1-12, except they are method claims.

Claim 19:

In Thacker, when no motion is detected and a person is absent in the workspace, the alarm is shut off and automatically resets itself to provide warning when motion is again detected. Col. 4, lines 42-53.

*Conclusion*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on MaxiFlex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Julie Lieu', with a long horizontal flourish extending to the right.

Julie Lieu  
Primary Examiner  
Art Unit 2612

Aug. 16, 06